

Application No.: 10/658,338
Inventor: Bosse
Request for Continued Examination in
response to O.A. dated July 13, 2005

Amendments to the Drawings:

In light of the above amendment to the specification, Applicant herein submits modified drawings of FIGS. 2 and 9. FIG. 2 has been modified to show the recess 70, and FIG. 9 has been modified to show the recess 70, as well as the relocation of numbers 26 and 44. Therefore, a replacement sheet showing FIGS. 2 and 9 is attached hereto.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Rejection of Claims 1 and 6-8 under 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

In the Office Action No. 2, the Examiner has maintained the same rejections as were set forth in the Office Action from Patent Examining Attorney dated February 1, 2005 (“Office Action No. 1”). Essentially, Examiner rejected claims 1, 2 and 6-8 under 35 U.S.C. §102(b) as being anticipated by Allen (D272,712) (hereinafter referred to as “Allen”) and further rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Gue (3,468,657) (hereinafter referred to as “Gue”) in view of Gallo (6,308,934) (hereinafter referred to as “Gallo”). The remaining claims which are all dependent upon claim 1 were all rejected on a combination of Allen and/or Gue and Gallo, plus an additional reference.

The Allen, Gue and Gallo references were the primary references upon which Examiner has based her rejections. The primary contention between Applicant and Examiner is the description of the structure of the tools shown in Allen and Gallo. In Office Action No. 1, Examiner admitted that Gue fails to disclose a lock cutting tool, a generally rectangular, flat plate joined to the bar between its leading and trailing edges. Applicant has argued that Allen and Gallo also fail to disclose this structure, which argument Examiner has found unpersuasive.

Addressing this issue again, Applicant points out to the Examiner that the tools shown in Allen and Gallo are both essentially pry bars with added features. *WordNet* provided the following instructive definition and synonyms for the word “pry bar”: “a heavy iron lever with one end forged

into a wedge [syn: crowbar, wrecking bar, pry].” A “crowbar” is defined as “a straight bar of iron or steel, with the working end shaped like a chisel and often slightly bent and forked.” A “wrecking bar” is likewise defined as “a small crowbar with a claw at one end and a slight curve at the other end.” Each of these definitions fits the tools shown in Allen and Gallo, but not the Applicant’s invention.

No matter how one attempts to describe or define the structure of the tools in Allen and Gallo, they are simply metal bars which have a slight curve at one end of the bar. In contrast, Applicant’s tool is an elongated bar which is “joined” to a lock cutting tool between the tools leading and trailing edges. There is no “joining” of the tools to Allen and Gallo but, rather, they are both pry bars which are simply metal bars with one end formed into a cutting tool. Applicant’s bar is not formed into the cutting tool but is rather “joined” to the cutting tool. This is an important distinction. As Applicant has previously argued, this distinction allows for a space between the trailing edge (44) and the first impact collar (26) to form a recess to accommodate a metal bar, such as a security bar. (See FIG. 9 in Applicant’s patent application.) The structural difference of Allen and Gallo, which is a metal bar with one end formed into a cutting tool, could never allow for this capability. Allen and Gallo are simply pry bars. Applicant’s invention would never be called a pry bar because of the joining of the cutting tool to the bar.

Since all the elements of claim 1 of the instant application are not found in Allen, Applicant respectfully requests that the 35 U.S.C. §102(b) rejections be withdrawn. Since claims 2 and 6-8

Application No.: 10/658,338
Inventor: Bosse
Request for Continued Examination in
response to O.A. dated July 13, 2005

depend from claim 1 and include all of the limitations of the independent claim, Applicant respectfully requests that this ground of rejection be withdrawn from these claims also.

Applicant also feels that he has responded to the 35 U.S.C. §103(a) rejections of claim 1 and the various dependent claims all rely on a combination of a new reference with Allen or with Gue and Gallo and, thus, respectfully requests that these rejections be withdrawn.

Applicant respectfully requests Examiner to reconsider the application and to pass the present application to allowance. If the Examiner believes that unresolved issues remain in this case, Applicant requests Examiner contact Applicant's attorney of record listed below.

Respectfully submitted,



Laura M. Hagan
KERRICK, STIVERS & COYLE, P.L.C.
1025 State Street; P.O. Box 9547
Bowling Green, KY 42102-9547
(270) 782-8160
Reg. No.: 38,902

Date: January 12, 2006

Encl: Form PTO/SB30; Check for filing fee; Return postcard for evidencing receipt of above items

cc: Dale Shoffner

Annotated Sheet Showing Changes

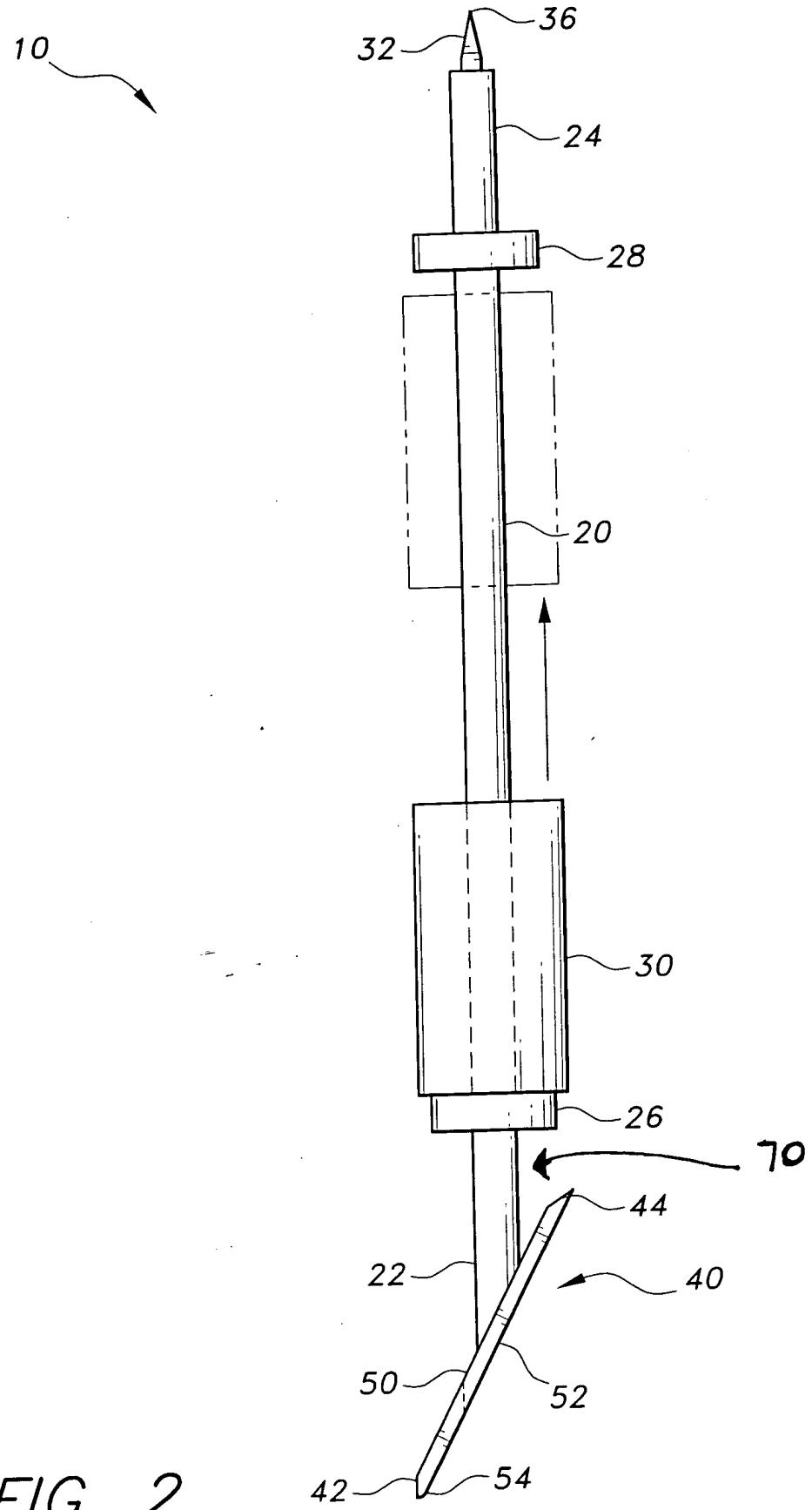
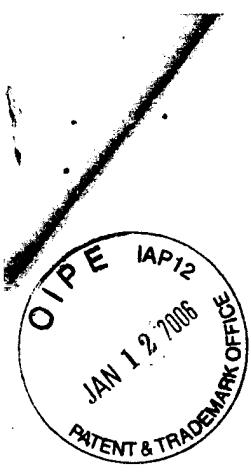


FIG. 2



Annotated Sheet Showing Changes

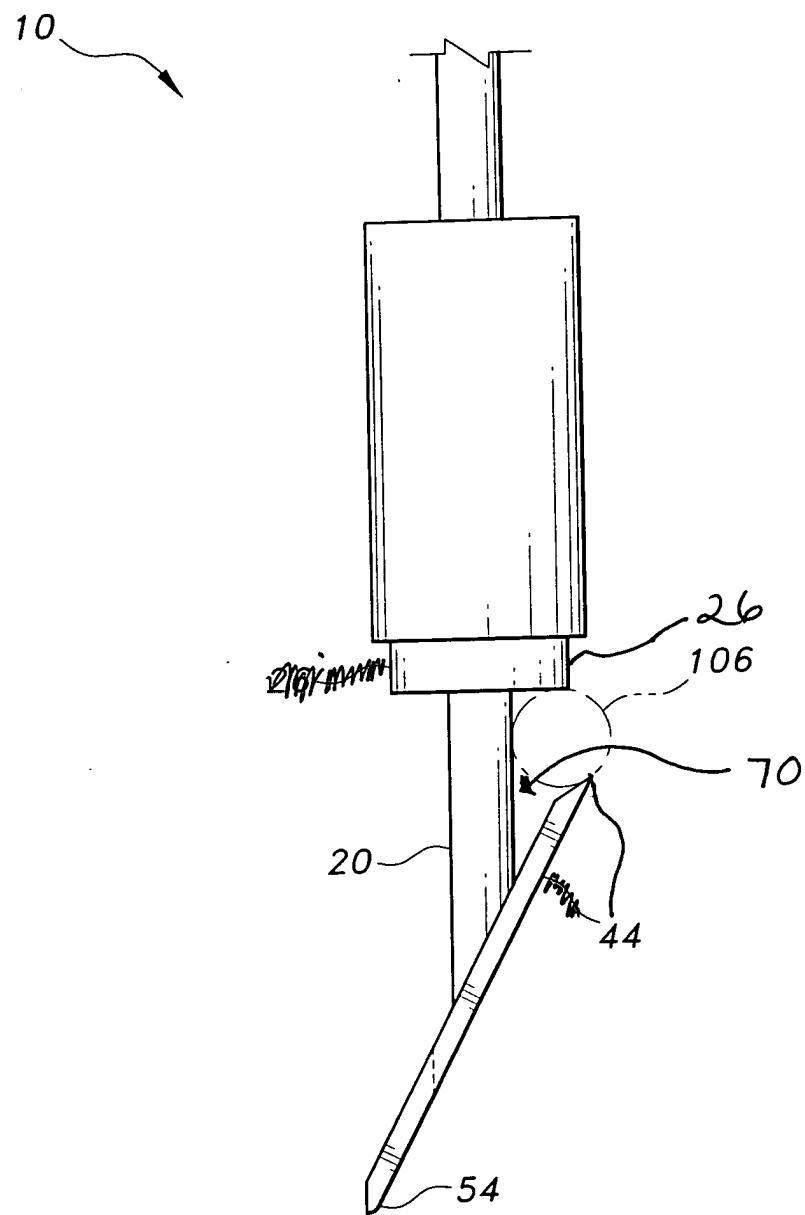
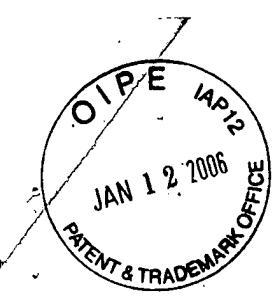


FIG. 9